

**REMARKS/ARGUMENTS**

Claims 1-13 are pending. Claims 1, 6-8, 12 and 13 have been amended, and claim 5 has been cancelled. Applicants respectfully request reexamination and reconsideration of all pending claims.

**Allowable Subject Matter**

Claim 5 was objected to as being dependent on a rejected base claim (claim 1). Claim 1 has been amended to include the limitations of claim 5. Thus, Applicants submit that claim 1 and claims 2-7, which depend therefrom, are now in condition for allowance.

**Claim Rejections Under 35 USC § 112**

Claims 6 and 12 stand rejected under 35 USC § 112, second paragraph, as being indefinite. Claims 6 and 12 have been amended to correct the antecedent basis defects pointed out by the Examiner. Therefore, Applicants respectfully request withdrawal of these rejections.

**Claim Rejections Under 35 USC § 102**

Claims 1, 3, 4, 7, 8, 10, 11 and 13 stand rejected under 35 USC § 102(e) as allegedly being anticipated by U.S. Patent No. 5,879,158, issued to Doyle (hereinafter "Doyle"). Although Applicants disagree with these rejections, claim 1 has been amended to include the limitations of claim 5, as mentioned above. Independent claim 8 has also been amended to specify a "polymeric shell dental appliance." Nowhere does Doyle teach fabrication of such an appliance. Therefore, Applicants submit that independent claims 1 and 8, as well as claims 3, 4, 7, 10, 11 and 13, which depend variously therefrom, are in condition for allowance and request withdrawal of the rejections under 35 USC § 102.

**Claim Rejections Under 35 USC § 103**

Claims 2 and 9 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Doyle in view of U.S. Patent No. 4,742,464, issued to Duret (hereinafter "Duret"). Based on the amendments and arguments set forth above, Applicants respectfully submit that even if the combination suggested by the Examiner were made, neither claim 2 nor

Appl. No. 10/632,482  
Amdt. dated November 9, 2005  
Reply to Office Action of September 15, 2005

PATENT

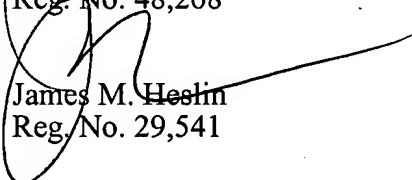
claim 9 would be achieved. Thus, Applicants request withdrawal of the rejections 35 USC § 103.

Thus, it is believed that all rejections have now been overcome, and it is requested that the application be passed to issue at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Scott M. Smith, MD, JD  
Reg. No. 48,268

By:   
James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
SMS/JMH:jke  
60469682 v1